

1 Michael N. Cohen (SBN 225348)  
mcohen@cohenip.com  
2 Vikram Amritraj (SBN 321584)  
vamritraj@cohenip.com  
3 COHEN IP LAW GROUP  
A Professional Corporation  
4 9025 Wilshire Boulevard, Suite 301  
Beverly Hills, California 90211  
5 Phone: (310) 288-4500  
Fax: (310) 246-9980  
6

7 *Attorneys for Defendant*  
8 *Virtual Barcode Distribution LLC*

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11

12 **AXS GROUP LLC,**

13 **Plaintiff,**

14 **vs.**

15  
16 **EVENT TICKETS CENTER, INC.,**  
17 **TICKETNETWROK, INC., VIRTUAL**  
18 **BARCODE DISTRIBUTION LLC;**  
19 **ALTAN TANRIVERDI; AND**  
20 **SECURE.TICKETS,**

21 **Defendants.**  
22

Case No.: 2:24-cv-00377-SPG-(Ex)

**DEFENDANT VIRTUAL BARCODE  
DISTRIBUTION LLC'S ANSWER  
TO PLAINTIFF'S SECOND  
AMENDED COMPLAINT**

**JURY TRIAL DEMANDED**

Honorable Sherilyn Peace Garnett

Complaint served: December 9, 2024  
Current response date: January 30, 2025

23 Defendant VIRTUAL BARCODE DISTRIBUTION LLC ("VBD") hereby  
24 respond to Plaintiff AXS GROUP LLC's ("AXS" or "Plaintiff") Second Amended  
25 Complaint ("SAC") as follows:  
26  
27

**ANSWER**

Defendant VIRTUAL BARCODE DISTRIBUTION LLC (“Defendant” or “VBD”) hereby answers the Complaint of Plaintiff AXS GROUP LLC, as follows:

**I. INTRODUCTION & SUMMARY OF RELIEF REQUESTED**

1. Paragraph 1, VBD denies each and every allegation contained therein as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief as to the truth of all remaining allegations, further they consist of conclusions of law and/or statements of Plaintiff’s position to which no response is required by Defendant VBD; to the extent a response is required, denied.

2. Paragraph 2, Defendant VBD lacks information sufficient to form a belief as to the truth of said allegations, further the allegations consist of conclusions of law and/or statements of Plaintiff’s position to which no response is required; to the extent a response is required, denied.

3. Paragraph 3 Defendant VBD lacks information sufficient to form a belief as to the truth of said allegations, further the allegations consist of conclusions of law and/or statements of Plaintiff’s position to which no response is required; to the extent a response is required, denied.

4. Paragraph 4 Defendant VBD lacks information sufficient to form a belief as to the truth of said allegations, further the allegations consist of conclusions of law and/or statements of Plaintiff’s position to which no response is required; to the extent a response is required, denied.

5. Paragraph 5 Defendant VBD lacks information sufficient to form a belief as to the truth of said allegations, further the allegations consist of conclusions of law and/or statements of Plaintiff’s position to which no response is required; to the extent a response is required, denied.

6. Paragraph 6 Defendant VBD lacks information sufficient to form a belief as to

1 the truth of said allegations, further the allegations consist of conclusions of law  
2 and/or statements of Plaintiff's position to which no response is required; to the  
3 extent a response is required, denied.

4 7. Paragraph 7 VBD denies each and every allegation contained therein as it  
5 pertains to Defendant VBD. VBD lacks information sufficient to form a belief as to  
6 the truth of all remaining allegations, further the allegations consist of conclusions of  
7 law and/or statements of Plaintiff's position to which no response is required; to the  
8 extent a response is required, denied.

9 8. Paragraph 8 VBD denies each and every allegation contained therein as it  
10 pertains to Defendant VBD. VBD lacks information sufficient to form a belief as to  
11 the truth of all remaining allegations, further the allegations consist of conclusions of  
12 law and/or statements of Plaintiff's position to which no response is required; to the  
13 extent a response is required, denied.

14 9. Paragraph 9 VBD denies each and every allegation contained therein as it  
15 pertains to Defendant VBD. VBD lacks information sufficient to form a belief as to  
16 the truth of all remaining allegations, further the allegations consist of conclusions of  
17 law and/or statements of Plaintiff's position to which no response is required; to the  
18 extent a response is required, denied.

## 19 20 **II. PARTIES**

21 10. Paragraph 10 Defendant VBD lacks information sufficient to form a belief as  
22 to the truth of said allegations, further the allegations consist of conclusions of law  
23 and/or statements of Plaintiff's position to which no response is required; to the  
24 extent a response is required, denied.

25 11. Paragraph 11 Defendant VBD lacks information sufficient to form a belief as  
26

1 to the truth of said allegations, further the allegations consist of conclusions of law  
2 and/or statements of Plaintiff's position to which no response is required; to the  
3 extent a response is required, denied.

4 12. Paragraph 12 Defendant VBD lacks information sufficient to form a belief as  
5 to the truth of said allegations, further the allegations consist of conclusions of law  
6 and/or statements of Plaintiff's position to which no response is required; to the  
7 extent a response is required, denied.

8 13. Paragraph 13 VBD admits it is a limited liability company organized under the  
9 laws of the State of New York. VBD admits it registered the verified-ticket.com  
10 domain. VBD denies all remaining allegations contained in Paragraph 13.

11 14. Paragraph 14 Defendant VBD lacks information sufficient to form a belief as  
12 to the truth of said allegations, further the allegations consist of conclusions of law  
13 and/or statements of Plaintiff's position to which no response is required; to the  
14 extent a response is required, denied.

15 15. Paragraph 15 Defendant VBD lacks information sufficient to form a belief as  
16 to the truth of said allegations, further the allegations consist of conclusions of law  
17 and/or statements of Plaintiff's position to which no response is required; to the  
18 extent a response is required, denied.

19 16. Paragraph 16 Defendant VBD lacks information sufficient to form a belief as  
20 to the truth of said allegations, further the allegations consist of conclusions of law  
21 and/or statements of Plaintiff's position to which no response is required; to the  
22 extent a response is required, denied.

### 23 **III. JURISDICTION AND VENUE**

24 17. Paragraph 17, Defendant VBD admits subject matter jurisdiction is proper.  
25 VBD denies all remaining allegation contained in Paragraph 17.

26 18.Paragraph 18, Defendant VBD admits supplement jurisdiction is proper, but  
27

1 denies all other allegations of this Paragraph. VBD denies all remaining allegation  
2 contained in Paragraph 18.

3 19.Paragraph 19 Defendant VBD admits personal jurisdiction is proper, but denies  
4 all other allegations of this Paragraph. VBD denies all remaining allegation  
5 contained in Paragraph 18.

6 20. To extent Paragraph 20 pertains to VBD, VBD denies that it has committed  
7 any alleged wrongdoing as described in the SAC. As it may pertain to any other  
8 Defendant, VBD lacks knowledge or information sufficient to form a belief as to the  
9 truth of the allegations in Paragraph 20, and on that basis denies them.

10 21. Paragraph 21 Defendant VBD lacks information sufficient to form a belief as  
11 to the truth of said allegations, further the allegations consist of conclusions of law  
12 and/or statements of Plaintiff's position to which no response is required; to the  
13 extent a response is required, denied.

14 22. Paragraph 22 Defendant VBD admits venue is proper, but denies all other  
15 allegations of this Paragraph.

16 **IV. PLAINTIFF'S E-TICKETING BUSINESS OPERATION**

17 23. Paragraph 23 Defendant VBD lacks information sufficient to form a belief as  
18 to the truth of said allegations, further the allegations consist of conclusions of law  
19 and/or statements of Plaintiff's position to which no response is required; to the  
20 extent a response is required, denied.

21 24. Paragraph 24 Defendant VBD lacks information sufficient to form a belief as  
22 to the truth of said allegations, further the allegations consist of conclusions of law  
23 and/or statements of Plaintiff's position to which no response is required; to the  
24 extent a response is required, denied.

25 25. Paragraph 25 Defendant VBD lacks information sufficient to form a belief as  
26

1 to the truth of said allegations, further the allegations consist of conclusions of law  
2 and/or statements of Plaintiff's position to which no response is required; to the  
3 extent a response is required, denied.

4 26. Paragraph 26 Defendant VBD lacks information sufficient to form a belief as  
5 to the truth of said allegations, further the allegations consist of conclusions of law  
6 and/or statements of Plaintiff's position to which no response is required; to the  
7 extent a response is required, denied.

8 27. Paragraph 27 Defendant VBD lacks information sufficient to form a belief as  
9 to the truth of said allegations, further the allegations consist of conclusions of law  
10 and/or statements of Plaintiff's position to which no response is required; to the  
11 extent a response is required, denied.

12 B. AXS Mobile ID Technology (Formerly Known as "Flash Seats")

13 28. Paragraph 28 Defendant VBD lacks information sufficient to form a belief as  
14 to the truth of said allegations, further the allegations consist of conclusions of law  
15 and/or statements of Plaintiff's position to which no response is required; to the  
16 extent a response is required, denied.

17 29. Paragraph 29 Defendant VBD lacks information sufficient to form a belief as  
18 to the truth of said allegations, further the allegations consist of conclusions of law  
19 and/or statements of Plaintiff's position to which no response is required; to the  
20 extent a response is required, denied.

21 30. Paragraph 30 Defendant VBD lacks information sufficient to form a belief as  
22 to the truth of said allegations, further the allegations consist of conclusions of law  
23 and/or statements of Plaintiff's position to which no response is required; to the  
24 extent a response is required, denied.

25 31. Paragraph 31 Defendant VBD lacks information sufficient to form a belief as  
26

1 to the truth of said allegations, further the allegations consist of conclusions of law  
2 and/or statements of Plaintiff's position to which no response is required; to the  
3 extent a response is required, denied.

4 32. Paragraph 32 Defendant VBD lacks information sufficient to form a belief as  
5 to the truth of said allegations, further the allegations consist of conclusions of law  
6 and/or statements of Plaintiff's position to which no response is required; to the  
7 extent a response is required, denied.

8 33. Paragraph 33 Defendant VBD lacks information sufficient to form a belief as  
9 to the truth of said allegations, further the allegations consist of conclusions of law  
10 and/or statements of Plaintiff's position to which no response is required; to the  
11 extent a response is required, denied.

12 34. Paragraph 34 Defendant VBD lacks information sufficient to form a belief as  
13 to the truth of said allegations, further the allegations consist of conclusions of law  
14 and/or statements of Plaintiff's position to which no response is required; to the  
15 extent a response is required, denied.

16 35. Paragraph 35 Defendant VBD lacks information sufficient to form a belief as  
17 to the truth of said allegations, further the allegations consist of conclusions of law  
18 and/or statements of Plaintiff's position to which no response is required; to the  
19 extent a response is required, denied

20 **V. PLAINTIFF'S [ALLEGEDLY] VALID AND SUBSISTING**  
21 **INTELLECTUAL PROPERTY RIGHTS**

22 **A. THE AXS Trademarks**

23 36. Paragraph 36 Defendant VBD lacks information sufficient to form a belief as  
24 to the truth of said allegations, further the allegations consist of conclusions of law  
25 and/or statements of Plaintiff's position to which no response is required; to the  
26 extent a response is required, denied.

27 37. Paragraph 37 Defendant VBD lacks information sufficient to form a belief as

1 to the truth of said allegations, further the allegations consist of conclusions of law  
2 and/or statements of Plaintiff's position to which no response is required; to the  
3 extent a response is required, denied.

4 38.Paragraph 38 Defendant VBD lacks information sufficient to form a belief as  
5 to the truth of said allegations, further the allegations consist of conclusions of law  
6 and/or statements of Plaintiff's position to which no response is required; to the  
7 extent a response is required, denied.

8 39.Paragraph 39 Defendant VBD lacks information sufficient to form a belief as  
9 to the truth of said allegations, further the allegations consist of conclusions of law  
10 and/or statements of Plaintiff's position to which no response is required; to the  
11 extent a response is required, denied.

12 40. Paragraph 40, Defendant VBD admits Plaintiff is listed as the owner of the  
13 trademarks United States Patent and Trademark Office identified in Paragraph 40. As  
14 to all other allegations, VBD lacks information sufficient to form a belief as to the  
15 truth of said allegations, further the allegations consist of conclusions of law and/or  
16 statements of Plaintiff's position to which no response is required; to the extent a  
17 response is required, Defendant is without information and knowledge sufficient to  
18 form a belief as to the truth or falsity of the statements made in Paragraph 40, and  
19 therefore denies them.

20 41. Paragraph 41 Defendant VBD admits Plaintiff is listed as the owner of the  
21 trademarks in the United States Patent and Trademark Office identified in Exhibit H.  
22 As to all other allegations, VBD lacks information sufficient to form a belief as to the  
23 truth of said allegations, further the allegations consist of conclusions of law and/or  
24 statements of Plaintiff's position to which no response is required; to the extent a  
25 response is required, Defendant is without information and knowledge sufficient to  
26 form a belief as to the truth or falsity of the statements made in Paragraph 41, and  
27 therefore denies them.



1 42. Paragraph 42 Defendant VBD lacks information sufficient to form a belief as  
2 to the truth of said allegations, further the allegations consist of conclusions of law  
3 and/or statements of Plaintiff's position to which no response is required; to the  
4 extent a response is required, denied.

5 43. Paragraph 43 Defendant VBD lacks information sufficient to form a belief as  
6 to the truth of said allegations, further the allegations consist of conclusions of law  
7 and/or statements of Plaintiff's position to which no response is required; to the  
8 extent a response is required, denied.

9 **B. THE AXS Copyrights**

10 44. Paragraph 44 Defendant VBD admits Plaintiff is listed as the owner of the  
11 copyrights in the United States Library of Congress. As to all other allegations, VBD  
12 lacks information sufficient to form a belief as to the truth of said allegations, further  
13 the allegations consist of conclusions of law and/or statements of Plaintiff's position  
14 to which no response is required; to the extent a response is required, Defendant is  
15 without information and knowledge sufficient to form a belief as to the truth or falsity  
16 of the statements made in Paragraph 44, and therefore denies them.

17 45. Paragraph 45 Defendant VBD admits Plaintiff is listed as the owner of the  
18 copyrights in the United States Library of Congress. As to all other allegations, VBD  
19 lacks information sufficient to form a belief as to the truth of said allegations, further  
20 the allegations consist of conclusions of law and/or statements of Plaintiff's position  
21 to which no response is required; to the extent a response is required, Defendant is  
22 without information and knowledge sufficient to form a belief as to the truth or falsity  
23 of the statements made in Paragraph 45, and therefore denies them.

24 46. Paragraph 46 Defendant VBD admits Plaintiff is listed as the owner of the  
25 copyrights in the United States Library of Congress. As to all other allegations, VBD  
26 lacks information sufficient to form a belief as to the truth of said allegations, further  
27 the allegations consist of conclusions of law and/or statements of Plaintiff's position

1 to which no response is required; to the extent a response is required, Defendant is  
2 without information and knowledge sufficient to form a belief as to the truth or falsity  
3 of the statements made in Paragraph 46, and therefore denies them.

4 47. Paragraph 47 consists of conclusions of law and/or statements of Plaintiff's  
5 position to which no response is required; to the extent a response is required,  
6 Defendant is without information and knowledge sufficient to form a belief as to the  
7 truth or falsity of the statements made in Paragraph 47, and therefore denies them.

8 48. Paragraph 48 consists of conclusions of law and/or statements of Plaintiff's  
9 position to which no response is required; to the extent a response is required,  
10 Defendant is without information and knowledge sufficient to form a belief as to the  
11 truth or falsity of the statements made in Paragraph 48, and therefore denies.

12 **C. Notice of Plaintiff's Trademarks and Copyrights**

13 49. Defendant VBD lacks information sufficient to form a belief as to the truth of  
14 said allegations, in Paragraph 49, and therefore denies them.

15 50. Defendant VBD lacks information sufficient to form a belief as to the truth of  
16 said allegations, in Paragraph 50, and therefore denies them.

17 51. Defendant VBD lacks information sufficient to form a belief as to the truth of  
18 said allegations, in Paragraph 51, and therefore denies them.

19 **VI. DEFENDANTS [ALLEGED] INFRINGING AND ILLICIT**  
20 **COUNTERFEITING OPERATIONS**

21 52. Defendant VBD lacks information sufficient to form a belief as to the truth of  
22 said allegations, in Paragraph 48, and therefore denies them.

23 53. Paragraph 53 VBD denies each and every allegation contained therein as it  
24 pertains to Defendant VBD. VBD lacks information sufficient to form a belief as to  
25 the truth of all remaining allegations, further the allegations consist of conclusions of  
26 law and/or statements of Plaintiff's position to which no response is required; to the  
27 extent a response is required, denied.

**A. ETC [Allegedly] Delivers Counterfeit AXS Digital Tickets to Unsuspecting Consumer in Cooperation with VBD.**

54. Defendant VBD lacks information sufficient to form a belief as to the truth of said allegations, in Paragraph 54, and therefore denies them.

55. Defendant VBD lacks information sufficient to form a belief as to the truth of said allegations, in Paragraph 55, and therefore denies them.

56. Defendant VBD lacks information sufficient to form a belief as to the truth of said allegations, in Paragraph 56, and therefore denies them.

57. VBD denies each and every allegation contained in Paragraph 57.

58. VBD denies each and every allegation contained in Paragraph 58.

59. VBD denies each and every allegation contained in Paragraph 59.

60. VBD denies each and every allegation contained in Paragraph 60.

61. VBD denies each and every allegation contained in Paragraph 61.

62. VBD denies each and every allegation contained in Paragraph 62.

63. VBD denies each and every allegation contained in Paragraph 63.

64. VBD denies each and every allegation contained in Paragraph 64.

65. VBD denies each and every allegation contained in Paragraph 65.

**B. TNI Markets and Delivers Counterfeits AXS Digital Tickets to Unsuspecting Consumers and Provides Software to Facilitate the Same**

66. Defendant VBD lacks information sufficient to form a belief as to the truth of said allegations, in Paragraph 66, and therefore denies them.

67. Defendant VBD lacks information sufficient to form a belief as to the truth of said allegations, in Paragraph 67, and therefore denies them.

68. Defendant VBD lacks information sufficient to form a belief as to the truth of said allegations, in Paragraph 68, and therefore denies them.

69. Defendant VBD lacks information sufficient to form a belief as to the truth of

1 said allegations, in Paragraph 69, and therefore denies them.

2 70. Defendant VBD lacks information sufficient to form a belief as to the truth of  
3 said allegations, in Paragraph 70, and therefore denies them.

4 71. Defendant VBD lacks information sufficient to form a belief as to the truth of  
5 said allegations, in Paragraph 71, and therefore denies them.

6 72. Defendant VBD lacks information sufficient to form a belief as to the truth of  
7 said allegations, in Paragraph 72, and therefore denies them.

8 73. Defendant VBD lacks information sufficient to form a belief as to the truth of  
9 said allegations, in Paragraph 73, and therefore denies them.

10 74. Defendant VBD lacks information sufficient to form a belief as to the truth of  
11 said allegations, in Paragraph 74, and therefore denies them.

12 75. Defendant VBD lacks information sufficient to form a belief as to the truth of  
13 said allegations, in Paragraph 75, and therefore denies them.

14 76. Defendant VBD lacks information sufficient to form a belief as to the truth of  
15 said allegations, in Paragraph 76, and therefore denies them.

16 77. Defendant VBD lacks information sufficient to form a belief as to the truth of  
17 said allegations, in Paragraph 77, and therefore denies them.

18 78. Defendant VBD lacks information sufficient to form a belief as to the truth of  
19 said allegations, in Paragraph 78, and therefore denies them.

20 79. Defendant VBD lacks information sufficient to form a belief as to the truth of  
21 said allegations, in Paragraph 79, and therefore denies them.

22 80. Defendant VBD lacks information sufficient to form a belief as to the truth of  
23 said allegations, in Paragraph 80, and therefore denies them.

24 **C. ETC's Independent Acts of infringement and Unfair Competition**

25 81. Defendant VBD lacks information sufficient to form a belief as to the truth of  
26 said allegations, in Paragraph 54, and therefore denies them.

27 82. Defendant VBD lacks information sufficient to form a belief as to the truth of  
28

1 said allegations, in Paragraph 82, and therefore denies them.

2 83. Defendant VBD lacks information sufficient to form a belief as to the truth of  
3 said allegations, in Paragraph 83, and therefore denies them.

4 84. Defendant VBD lacks information sufficient to form a belief as to the truth of  
5 said allegations, in Paragraph 84, and therefore denies them.

6 85. Defendant VBD lacks information sufficient to form a belief as to the truth of  
7 said allegations, in Paragraph 85, and therefore denies them.

8 86. Defendant VBD lacks information sufficient to form a belief as to the truth of  
9 said allegations, in Paragraph 86, and therefore denies them.

10 87. Defendant VBD lacks information sufficient to form a belief as to the truth of  
11 said allegations, in Paragraph 87, and therefore denies them.

12 **D. Defendant Tanriverdi is Selling an Distributing Counterfeit AXS**  
13 **Tickets in this Judicial District**

14 88. Defendant VBD lacks information sufficient to form a belief as to the truth of  
15 said allegations, in Paragraph 88, and therefore denies them.

16 89. Defendant VBD lacks information sufficient to form a belief as to the truth of  
17 said allegations, in Paragraph 89, and therefore denies them.

18 90. Defendant VBD lacks information sufficient to form a belief as to the truth of  
19 said allegations, in Paragraph 90, and therefore denies them.

20 91. Defendant VBD lacks information sufficient to form a belief as to the truth of  
21 said allegations, in Paragraph 91, and therefore denies them.

22 92. Defendant VBD lacks information sufficient to form a belief as to the truth of  
23 said allegations, in Paragraph 92, and therefore denies them.

24 93. Defendant VBD lacks information sufficient to form a belief as to the truth of  
25 said allegations, in Paragraph 93, and therefore denies them.

26 94. Defendant VBD lacks information sufficient to form a belief as to the truth of  
27 said allegations, in Paragraph 94, and therefore denies them.

**E. Secure.Tickets is Selling and Distributing Counterfeit AXS  
Tickets in this Judicial District**

95.Defendant VBD lacks information sufficient to form a belief as to the truth of said allegations, in Paragraph 95, and therefore denies them.

96.Defendant VBD lacks information sufficient to form a belief as to the truth of said allegations, in Paragraph 96, and therefore denies them.

97. Paragraph 97 VBD denies each and every allegation contained therein as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief as to the truth of all remaining allegations, further the allegations consist of conclusions of law and/or statements of Plaintiff's position to which no response is required; to the extent a response is required, denied.

98. Paragraph 98 VBD denies each and every allegation contained therein as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief as to the truth of all remaining allegations, further the allegations consist of conclusions of law and/or statements of Plaintiff's position to which no response is required; to the extent a response is required, denied.

99. Paragraph 99 VBD denies each and every allegation contained therein as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief as to the truth of all remaining allegations, further the allegations consist of conclusions of law and/or statements of Plaintiff's position to which no response is required; to the extent a response is required, denied.

100. Paragraph 100 VBD denies each and every allegation contained therein as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief as to the truth of all remaining allegations, further the allegations consist of conclusions of law and/or statements of Plaintiff's position to which no response is required; to the extent a response is required, denied.

101. Paragraph 101 VBD denies each and every allegation contained therein

1 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
2 as to the truth of all remaining allegations, further the allegations consist of  
3 conclusions of law and/or statements of Plaintiff's position to which no response is  
4 required; to the extent a response is required, denied.

5 102. Paragraph 102 VBD denies each and every allegation contained therein  
6 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
7 as to the truth of all remaining allegations, further the allegations consist of  
8 conclusions of law and/or statements of Plaintiff's position to which no response is  
9 required; to the extent a response is required, denied.

10 103. Paragraph 103 Defendant VBD lacks information sufficient to form a  
11 belief as to the truth of said allegations, further the allegations consist of conclusions  
12 of law and/or statements of Plaintiff's position to which no response is required; to  
13 the extent a response is required, to the extent a response is required, denied.

14 104. Paragraph 104 Defendant VBD lacks information sufficient to form a  
15 belief as to the truth of said allegations, further the allegations consist of conclusions  
16 of law and/or statements of Plaintiff's position to which no response is required; to  
17 the extent a response is required, to the extent a response is required, denied.

18 105. Paragraph 105 Defendant VBD lacks information sufficient to form a  
19 belief as to the truth of said allegations, further the allegations consist of conclusions  
20 of law and/or statements of Plaintiff's position to which no response is required; to  
21 the extent a response is required, to the extent a response is required, denied.

22 106. Paragraph 106 Defendant VBD lacks information sufficient to form a  
23 belief as to the truth of said allegations, further the allegations consist of conclusions  
24 of law and/or statements of Plaintiff's position to which no response is required; to  
25 the extent a response is required, to the extent a response is required, denied.

26 107. Paragraph 107 VBD denies each and every allegation contained therein  
27



1 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
2 as to the truth of all remaining allegations, and therefore denies them.

3 108. Paragraph 108 VBD denies each and every allegation contained therein  
4 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
5 as to the truth of all remaining allegations, and therefore denies them.

6 109. Paragraph 109 VBD denies each and every allegation contained therein  
7 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
8 as to the truth of all remaining allegations, and therefore denies them.

9 110. Paragraph 110 VBD denies each and every allegation contained therein  
10 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
11 as to the truth of all remaining allegations, and therefore denies them.

12 111. Paragraph 111 VBD denies each and every allegation contained therein  
13 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
14 as to the truth of all remaining allegations, and therefore denies them.

15 112. Paragraph 112 VBD denies each and every allegation contained therein  
16 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
17 as to the truth of all remaining allegations, and therefore denies them.

18 113. Paragraph 113 VBD denies each and every allegation contained therein  
19 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
20 as to the truth of all remaining allegations, and therefore denies them.

21 114. Paragraph 114 VBD denies each and every allegation contained therein  
22 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
23 as to the truth of all remaining allegations, and therefore denies them.

24 115. Paragraph 116 VBD denies each and every allegation contained therein  
25 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
26 as to the truth of all remaining allegations, and therefore denies them.

27 116. Paragraph 117 VBD denies each and every allegation contained therein  
28



1 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
2 as to the truth of all remaining allegations, and therefore denies them.

3 **Second Cause of Action (All Defendants) Violation of Digital Millennium**  
4 **Copyright Act Under 17 U.S.C. §1201**

5 117. In response to Paragraph 117, VBD incorporates by reference its  
6 responses to the proceeding paragraphs of the SAC as though fully restated herein.

7 118. Defendant VBD lacks information sufficient to form a belief as to the  
8 truth of said allegations, in Paragraph 118, and therefore denies them.

9 119. Defendant VBD lacks information sufficient to form a belief as to the  
10 truth of said allegations, in Paragraph 119, and therefore denies them.

11 120. Paragraph 120 VBD denies each and every allegation contained therein  
12 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
13 as to the truth of all remaining allegations, and therefore denies them.

14 121. Paragraph 121 VBD denies each and every allegation contained therein  
15 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
16 as to the truth of all remaining allegations, and therefore denies them.

17 122. Paragraph 122 VBD denies each and every allegation contained therein  
18 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
19 as to the truth of all remaining allegations, and therefore denies them.

20 123. Paragraph 123 VBD denies each and every allegation contained therein  
21 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
22 as to the truth of all remaining allegations, and therefore denies them.

23 124. Paragraph 124 VBD denies each and every allegation contained therein  
24 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
25 as to the truth of all remaining allegations, and therefore denies them.

26 **Third Cause of Action (All Defendants) Trademark Counterfeiting Under 15**  
27 **U.S.C. §1114 et seq.**



1 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
2 as to the truth of all remaining allegations, and therefore denies them.

3 135. Paragraph 135 VBD denies each and every allegation contained therein  
4 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
5 as to the truth of all remaining allegations, and therefore denies them.

6 136. Paragraph 136 VBD denies each and every allegation contained therein  
7 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
8 as to the truth of all remaining allegations, and therefore denies them.

9 137. Paragraph 137 VBD denies each and every allegation contained therein  
10 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
11 as to the truth of all remaining allegations, and therefore denies them.

12 138. Paragraph 138 VBD denies each and every allegation contained therein  
13 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
14 as to the truth of all remaining allegations, and therefore denies them.

15 **Fifth Cause of Action (All Defendants) Unfair Competition and False**  
16 **Designation of Origin Under 15 U.S.C. §1125, et seq.**

17 139. In response to Paragraph 139, VBD incorporates by reference its  
18 responses to the proceeding paragraphs of the SAC as though fully restated herein.

19 140. Defendant VBD lacks information sufficient to form a belief as to the  
20 truth of said allegations, in Paragraph 140, and therefore denies them.

21 141. Paragraph 141 VBD denies each and every allegation contained therein  
22 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
23 as to the truth of all remaining allegations, and therefore denies them.

24 142. Paragraph 142 VBD denies each and every allegation contained therein  
25 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
26 as to the truth of all remaining allegations, and therefore denies them.

27 143. Paragraph 143 VBD denies each and every allegation contained therein  
28

1 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
2 as to the truth of all remaining allegations, and therefore denies them.

3 144. Paragraph 144 VBD denies each and every allegation contained therein  
4 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
5 as to the truth of all remaining allegations, and therefore denies them.

6 145. Paragraph 145 VBD denies each and every allegation contained therein  
7 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
8 as to the truth of all remaining allegations, and therefore denies them.

9 **Sixth Cause of Action (All Defendants) State Statutory Unfair**  
10 **Competition Under Cal. Bus. & Prof. Code 17200, et seq.**

11 146. In response to Paragraph 146, VBD incorporates by reference its  
12 responses to the proceeding paragraphs of the SAC as though fully restated herein.

13 147. Defendant VBD lacks information sufficient to form a belief as to the  
14 truth of said allegations, in Paragraph 147, and therefore denies them.

15 148. Paragraph 148 VBD denies each and every allegation contained therein  
16 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
17 as to the truth of all remaining allegations, and therefore denies them.

18 149. Paragraph 149 VBD denies each and every allegation contained therein  
19 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
20 as to the truth of all remaining allegations, and therefore denies them.

21 150. Paragraph 150 VBD denies each and every allegation contained therein  
22 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
23 as to the truth of all remaining allegations, and therefore denies them.

24 151. Paragraph 151 VBD denies each and every allegation contained therein  
25 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
26 as to the truth of all remaining allegations, and therefore denies them.

**Seventh Cause of Action (All Defendants) Common Law False Designation of Origin & Unfair Competition**

152. In response to Paragraph 152, VBD incorporates by reference its responses to the proceeding paragraphs of the SAC as though fully restated herein.

153. Defendant VBD lacks information sufficient to form a belief as to the truth of said allegations, in Paragraph 153, and therefore denies them.

154. Paragraph 154 VBD denies each and every allegation contained therein as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief as to the truth of all remaining allegations, and therefore denies them.

155. Paragraph 155 VBD denies each and every allegation contained therein as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief as to the truth of all remaining allegations, and therefore denies them.

156. Paragraph 156 VBD denies each and every allegation contained therein as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief as to the truth of all remaining allegations, and therefore denies them.

157. Paragraph 157 VBD denies each and every allegation contained therein as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief as to the truth of all remaining allegations, and therefore denies them.

158. Paragraph 158 VBD denies each and every allegation contained therein as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief as to the truth of all remaining allegations, and therefore denies them.

**Eight Cause of Action (Against Defendants ETC, TNI, and VBD) [Alleged] Civil Conspiracy**

159. In response to Paragraph 159, VBD incorporates by reference its responses to the proceeding paragraphs of the SAC as though fully restated herein.

160. VBD denies each and every allegation contained in Paragraph 160.

161. VBD denies each and every allegation contained in Paragraph 161.

1        162.        Paragraph 162 VBD denies each and every allegation contained therein  
2 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
3 as to the truth of all remaining allegations, and therefore denies them.

4        163.        Paragraph 163 VBD denies each and every allegation contained therein  
5 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
6 as to the truth of all remaining allegations, and therefore denies them.

7        164.        Paragraph 164 VBD denies each and every allegation contained therein  
8 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
9 as to the truth of all remaining allegations, and therefore denies them.

10       165.        Paragraph 166 VBD denies each and every allegation contained therein  
11 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
12 as to the truth of all remaining allegations, and therefore denies them.

13       166.        Paragraph 166 VBD denies each and every allegation contained therein  
14 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
15 as to the truth of all remaining allegations, and therefore denies them.

16                    **Ninth Cause of Action (All Defendants) Breach of Contract**

17       167.        In response to Paragraph 167, VBD incorporates by reference its  
18 responses to the proceeding paragraphs of the SAC as though fully restated herein.

19       168.        Paragraph 168 VBD denies each and every allegation contained therein  
20 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
21 as to the truth of all remaining allegations, and therefore denies them.

22       169.        Paragraph 169 VBD denies each and every allegation contained therein  
23 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
24 as to the truth of all remaining allegations, and therefore denies them.

25       170.        Paragraph 170 VBD denies each and every allegation contained therein  
26 as it pertains to Defendant VBD. VBD lacks information sufficient to form a belief  
27 as to the truth of all remaining allegations, and therefore denies them.





1 Defendant VBD denies each and every allegation of Plaintiff's SAC not  
2 specifically admitted or otherwise responded to above. VBD specifically denies that  
3 it has infringed or is liable for infringement of any valid and enforceable trademarks  
4 of Plaintiffs. VBD further denies that it has infringed or is liable for infringement of  
5 any valid and enforceable copyrights or copyright rights of Plaintiff. VBD further  
6 specifically denies that Plaintiff is entitled to any relief whatsoever of any kind  
7 against VBD as a result of any act of VBD or any person or entity acting on behalf of  
8 VBD.

9  
10 **AFFIRMATIVE DEFENSES**

11  
12 **FIRST AFFIRMATIVE DEFENSE**

13 (Facts Insufficient to State Any Cause of Action)

- 14 1. The Complaint as a whole, and each purported cause of action alleged therein,  
15 fails to state facts sufficient to constitute any cause of action against Defendant  
16 upon which relief may be granted.

17 **SECOND AFFIRMATIVE DEFENSE**

18 (Statute of Limitations)

- 19 2. The Complaint as a whole, and each purported cause of action alleged and  
20 remedy sought therein, is barred in whole or in part by the applicable statute of  
21 limitations, including but not limited to 15 U.S. Code § 4504.

22  
23 **THIRD AFFIRMATIVE DEFENSE**

24 (Lack of Standing)

- 25 3. Plaintiff's Complaint, and each purported cause of action and/or form of  
26 recovery therein, is barred to the extent that Plaintiff lacks standing to assert any of  
27 the causes of action and/or form of recovery contained in the Complaint because



1 Plaintiff has not suffered any injury-in-fact or for which Plaintiff does not have a  
2 private right of action.

3  
4 **FOURTH AFFIRMATIVE DEFENSE**

5 (Waiver)

6 4. The Complaint, and each purported cause of action alleged therein, is barred  
7 on the ground that Plaintiff has expressly and/or impliedly waived the right to assert  
8 such causes of action by virtue of their verbal and expressions or conduct.

9  
10 **FIFTH AFFIRMATIVE DEFENSE**

11 (Estoppel)

12 5. By virtue of her conduct, Plaintiff must be estopped from asserting any of  
13 thecauses of action in the Complaint against Defendants.

14  
15 **SIXTH AFFIRMATIVE DEFENSE**

16 (Laches)

17 6. Plaintiff is barred from proceeding with this action on the ground that  
18 Plaintiff is guilty of laches in failing to timely commence this action, which has  
19 prejudiced Defendants in its ability to discover adequate witnesses, testimony, facts,  
20 and evidence to support Defendant's defenses.

21  
22 **SEVENTH AFFIRMATIVE DEFENSE**

23 (Unclean Hands)

24 7. Defendants is informed and believes and thereon alleges that Plaintiff, by  
25 their own conduct, is guilty of unclean hands, which completely bars or reduces  
26 recovery, if any, to which she may be entitled, all in accordance with proof at trial.

27  
28 **EIGHTH AFFIRMATIVE DEFENSE**

(Consent)

8. The Complaint, and each purported cause of action alleged therein, is barred on the ground that at all times alleged in the Complaint, Plaintiff expressly or impliedly assented to, ratified, or concurred with the conduct alleged to be unlawful.

**NINTH AFFIRMATIVE DEFENSE**

(Failure to Exhaust Administrative Remedies)

9. Plaintiff failed to exhaust available administrative remedies and is therefore precluded from obtaining any relief under the alleged causes of action in the complaint.

**TENTH AFFIRMATIVE DEFENSE**

(Federal and/or State Preemption)

10. Plaintiff's Complaint, and each claim contained therein, is barred to the extent that Plaintiff's claims are preempted by federal and/or state law.

**ELEVENTH AFFIRMATIVE DEFENSE**

(Good Faith)

11. All actions taken by Defendants with respect to Plaintiff, at all times relevant to this action, were taken in good faith for legitimate reasons.

**TWELFTH AFFIRMATIVE DEFENSE**

(Unconstitutional)

12. Plaintiff's cause of action for penalties is barred because it is unconstitutionally vague and overbroad as applied to the facts and circumstances of this case.

**THIRTEENTH AFFIRMATIVE DEFENSE**

(Offset)

1 13. Defendants alleges that it has suffered damages by reason of Plaintiff's  
2 conduct, and Defendants has a right to offset its damages against the damages, if any,  
3 of Plaintiff.

4 **FOURTEENTH AFFIRMATIVE DEFENSE**

5 (Failure to Mitigate)

6 14. Without admitting any facts pled by Plaintiff, Defendants alleges that if  
7 Plaintiff sustained any loss, injury or damages either as alleged in the Complaint or at  
8 all, which Defendants expressly denies, the same were directly and proximately  
9 caused and/or exacerbated by Plaintiff's own conduct, promises and representations  
10 to Defendants, and failure to take actions to mitigate these losses, injuries, or  
11 damages.

12 **FIFTEENTH AFFIRMATIVE DEFENSE**

13 (Speculative Damages and/or Penalties)

14 15. Plaintiff is precluded from recovering the damages alleged in the  
15 Complaint because those damages and/or penalties are too vague, ambiguous,  
16 excessive, unreasonable, uncertain and speculative to permit recovery.

17  
18 **SIXTEENTH AFFIRMATIVE DEFENSE**

19 (No Punitive Damages)

20 16. Defendants alleges that Plaintiff is not entitled to recover the punitive  
21 damages in her Complaint as an award of punitive damages would violate  
22 Defendant's rights under the Constitution of the United States of America, including  
23 Defendant's rights to (1) procedural due process under the Fourteenth Amendment of  
24 the United States Constitution; (2) protection for "excessive fines" as provided in the  
25 Eighth Amendment of the United States Constitution and Article I; and (3)  
26 substantive due process provided in the Fifth and Fourteenth Amendments of the  
27 United States of America.

1 **SEVENTEENTH AFFIRMATIVE DEFENSE**

2 (Release)

3 17. The Complaint, and each purported cause of action alleged therein, is  
4 barred on the ground that Plaintiff released and waived any and all claims they may  
5 have against Defendant.

6 **EIGHTEENTH AFFIRMATIVE DEFENSE**

7 (Business Necessity)

8 18. Any recovery on Plaintiff's Complaint is barred on the ground that every  
9 action taken with respect to Plaintiff was done out of business necessity.

10 **NINETEETH AFFIRMATIVE DEFENSE**

11 (No Copyright Infringement)

12 19. VBD has not infringed, does not infringe (either directly or indirectly),  
13 and is not liable for infringement of any valid copyright or copyright rights of  
14 Plaintiff, including, without limitation, any copyright rights in the works that are the  
15 subject of the Asserted Copyrights.

16 **TWENTIETH AFFIRMATIVE DEFENSE**

17 (Elements Not Protect by Copyright)

18 20. Plaintiff's copyright claims are barred to the extent that Plaintiff claims  
19 rights to elements of Plaintiff's software or other works that are functional, are not  
20 original, or are otherwise not protectable by copyright and/or are not protected by the  
21 Asserted Copyrights.

22 **TWENTY FIRST AFFIRMATIVE DEFENSE**

23 (Fair Use)

24 21. Plaintiff's claims for copyright and trademark infringement are barred  
25 by the doctrine of fair use pursuant to 17 U.S.C. § 107 in view of the nature of the  
26 works asserted by Plaintiff and covered by the Asserted Copyrights and Trademarks,  
27 the amount (if any) and substantiality of the portions of such works used by VBD in  
28

1 relation to the works as a whole, the purpose and character of any use thereof made  
2 by VBD, and the effect, if any, of such use on the potential market for the works.

3 **TWENTY SECOND AFFIRMATIVE DEFENSE**

4 (De Minimis Copying)

5 22. Plaintiff's claims for copyright infringement are barred by the doctrine  
6 of de minimis copying, as any protectable portions of the works that are the subject of  
7 the Asserted Copyrights used by VBD have been de minimis.

8 **TWENTY THIRD AFFIRMATIVE DEFENSE**

9 (No Intent to Induce Copyright Infringement)

10 23. VBD has not engaged in purposeful, culpable expression or conduct  
11 designed or intended to result in others infringing Plaintiff's Asserted Copyrights and  
12 thus is not liable under Plaintiff's inducement claims.

13 **TWENTY FOURTH AFFIRMATIVE DEFENSE**

14 (Third Party Liability)

15 24. Any use in the Plaintiff's works of any protected elements of the works  
16 that are the subject of the Asserted Copyrights was made by third parties without the  
17 knowledge of VBD, and VBD is not liable for such use.

18 **TWENTY FIFTH AFFIRMATIVE DEFENSE**

19 25. Upon information and belief, statements and actions of Plaintiff were  
20 such that it was reasonable to infer that users of the VBD works, including, without  
21 limitation, manufacturers and software developers, had permission to use the  
22 Asserted Copyrights.

23 **TWENTY SIXTH AFFIRMATIVE DEFENSE**

24 (No Injunctive Relief)

25 26. Plaintiff is not entitled to injunctive relief because any alleged injury to  
26 Plaintiff there is none, neither immediate nor irreparable and Plaintiff has an adequate  
27 remedy at law.

**TWENTY SEVENTH AFFIRMATIVE DEFENSE**

**(Section 230)**

27. Plaintiff has failed to state a claim against Event Tickets because “[n]o provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.” 47 U.S.C. § 230.

**RESERVATION OF RIGHTS**

28. Defendants reserves the right to amend or add any additional defenses or counterclaims which may become known during the course of discovery.

**WHEREFORE**, Defendants prays as follows:

1. That Plaintiff takes nothing by way of its Complaint;
2. A judgment dismissing Plaintiff’s Amended Complaint;
3. That Defendants recover attorneys' fees, expert fees and investigator fees;
4. That Defendants recover costs of suit herein; and
5. That the Court award such other and further relief as it deems appropriate.

Respectfully submitted,

Dated: January 30, 2025

COHEN IP LAW GROUP P.C.

By: /s/ Michael N. Cohen  
Michael N. Cohen  
Vikram Amritraj

*Attorneys for Defendant*  
*Virtual Barcode Distribution LLC*

**DEMAND FOR A JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38, Defendant demands a jury trial on all claims which are triable to a jury in this action.

Respectfully submitted,

Dated: January 30, 2025

COHEN IP LAW GROUP P.C.

By: /s/ Michael N. Cohen  
Michael N. Cohen  
Vikram Amritraj

*Attorneys for Defendant*  
*Virtual Barcode Distribution LLC*